

COHN LIFLAND PEARLMAN HERRMANN & KNOPF LLP

COUNSELLORS AT LAW

PARK 80 WEST - PLAZA ONE • 250 PEHLE AVENUE, SUITE 401 • SADDLE BROOK, N.J. 07663

201-845-9600 • FAX 201-845-9423

Peter S. Pearlman, Esq.

psp@njlawfirm.com

Direct Dial: 551-497-7131

Cell: 201-709-0597

General E-mail: clphk@njlawfirm.com

Internet Address: www.njlawfirm.com

January 17, 2014

VIA ECF

Honorable Esther Salas
United States District Judge
Martin Luther King Federal Building
50 Walnut Street
Newark, New Jersey 07102

Re: *In re Vehicle Carrier Services Antitrust Litigation*
Civil Action No. 13-3306(ES)(JAD)

Dear Judge Salas:

We represent the Automobile Dealer Plaintiffs (“Automobile Dealers”) in the above-referenced matter. On behalf of proposed Interim Class Counsel and Interim Liaison Counsel for the Automobile Dealers, this letter responds to the Court’s Order No. 1 (12/27/13), which requested additional information from interim class counsel applicants.

As indicated in our submission for appointment as interim class counsel for the Automobile Dealers, proposed Interim Class Counsel and Interim Liaison Counsel expect to bring this matter to a successful conclusion on behalf of our Automobile Dealer clients. If we succeed in settling or winning at trial, we will seek a legal fee from the Court that reflects the complexity of the litigation, its duration, and the eventual outcome. We expect that the resolution of this case would establish a common fund that will benefit the members of the putative Automobile Dealer class. If so, counsel for the Automobile Dealers will seek a fee award from the fund. *See, e.g., In re Par Pharm. Sec. Litig.*, CIV.A. 06-3226 ES, 2013 WL 3930091 (D.N.J. July 29, 2013); *In re AremisSoft Corp. Sec. Litig.*, 210 F.R.D. 109, 129 (D.N.J. 2002).

Our application for fees and reimbursement of costs will fall within the range typical where a common fund is established for the benefit of the class members, taking into account the relevant circumstances of the litigation and the outcome. *See, e.g., In re Merck & Co., Inc. Vytarin ERISA Litig.*, 2010 WL 547613, at *11 (D.N.J. Feb. 3, 2010) (awarding 33⅓ percent and noting “awards in similar common fund cases appear analogous to the present request”); *Milliron v. T-Mobile*, 2009 WL 3345762 at *13 (D.N.J. Sept. 14, 2009) (“The Court is aware that 33⅓% is a standard figure for recovery in a consumer class action of the contingent-fee variety.”); *In re Remeron Direct Purchaser Antitrust Litig.*, 2005 WL 3008808, at *12-17 (D.N.J. Nov. 9, 2005) (awarding 33⅓ percent); *In re Safety Components, Inc. Sec. Litig.*, 166 F.Supp.2d 72, 102 (D.N.J. 2001) (fee award of 33⅓ percent was “reasonable when compared to fee awards in other

COHN LIFLAND PEARLMAN HERRMANN & KNOPF LLP
COUNSELLORS AT LAW

January 17, 2014

Page 2

cases”); *Martin v. Foster Wheeler Energy Corp.*, 2008 WL 906472 at *5 (M.D.Pa. Mar. 31, 2008) (“District Courts within the Third Circuit have typically awarded attorney’s fees of 30% to 35% of the recovery, plus expenses, in settlements of this size.”).

Counsel for the proposed Automobile Dealer Class will charge their regular rates for this type of complex antitrust class action work. These rates have been approved by other courts in similar litigation. The rates for the attorneys and paralegals who are expected to perform the majority of the common benefit work are presently:

Cuneo Gilbert & LaDuca

Jonathan Cuneo—\$850
Joel Davidow—\$800
Daniel Cohen—\$600
Katherine Van Dyck—\$550
Paralegals—\$125

Barrett Law Group

Don Barrett—\$800
Charles Barrett—\$425
Richard Barrett—\$425

Larson • King

Shawn Raiter—\$695
T. Joseph Snodgrass—\$695
Paul Sand—\$425
Paralegals—\$150

Cohn Lifland Pearlman Herrmann & Knopf

Peter S. Pearlman—\$725
Kelly M. Purcaro—\$350

COHN LIFLAND PEARLMAN HERRMANN & KNOPF LLP
COUNSELLORS AT LAW

January 17, 2014
Page 3

Please let us know if the Court needs additional information to conclude its review of our interim class counsel application. We look forward to speaking and working with you at the upcoming status conference.

Respectfully submitted,

/s/ Peter S. Pearlman

Peter S. Pearlman

PSP:glv
cc: All counsel via ECF